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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,651	12/20/2001	Lee Codel Lawson Tarbotton	NA11P055/01.228.01	2715
28875	7590	09/21/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			PYZOCHA, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2137	
DATE MAILED: 09/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/028,651

Applicant(s)

LAWSON TARBOTTON ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02192002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-29 are pending.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-28, drawn to a method for preventing writes critical files, classified in class 713, subclass 200.

II. Claim 29, drawn to a method for preventing writes to critical in a database, classified in class 713, subclass 193. The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as protecting critical files not stored in the database of group II. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above would require a different search and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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5. During a telephone conversation with Kevin Zilka on April 18, 2005 a provisional election was made without traverse to prosecute the invention of group I, claims 1-28. Affirmation of this election must be made by applicant in replying to this Office action. Claim 29 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7, 9-20, 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Q222193 - Description of the Windows 2000 Windows File Protection Feature" (hereinafter WFP) and further in view of Rickey et al (US 20020166059).

As per claims 1, 14, and 27, WFP discloses identifying factors associated with a computer; monitoring requests to write to files on the computer; and conditionally preventing the

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writes to the tiles on the computer based on the factors; wherein the factors are altered based on the monitoring of the requests (see pages 1-2).

WFP fails to disclose the preventing of writing is to prevent virus proliferation.

However, Rickey et al teaches viruses entering a system through critical files (see paragraph 63).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use WFP's method of blocking writes to files to prevent viruses from entering the system as in Rickey et al.

Motivation to do so would have been to obtain higher security (see Rickey et al paragraph 64).

As per claims 2 and 15, the modified WFP and Rickey et al system discloses the factors are selected from the group consisting of critical files, critical file locations, and trusted applications (see WPF page 2).

As per claims 3-4 and 16-17, the modified WFP and Rickey et al system discloses the factors are user configurable and identified in a registry (see page 2).

As per claims 5-7, 18-20 and 28, the modified WFP and Rickey et al system discloses the factors include critical files

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and critical file folder locations associated with an operating system of the computer (see pages 1-2).

As per claims 9-11 and 22-24, the modified WFP and Rickey et al system discloses the factors are updated based on a user request, the factors are updated remotely, and the factors are updated based on the requests (see pages 2-3).

As per claims 12-13 and 25-26, the modified WFP and Rickey et al system discloses conditionally preventing the writes to the files on the computer based on a user confirmation and the factors are updated based on the user confirmation (see bottom of page 2).

8. Claims 8 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified WFP and Rickey et al system as applied to claims 2 and 15 above, and further in view of Stevens (US 20020133702).

As per claims 8 and 21, the modified WFP and Rickey et al system fails to disclose the factors include trusted applications that initiate the requests.

However, Stevens teaches a trusted application (see paragraph 19).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Stevens' trusted

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application in the file protection system of WFP and Rickey et al.

Motivation to do so would have been to allow trusted applications to access protected information (see paragraph 19).

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ferris and "Windows File Protection in Windows 2000" teach more aspects of the Windows File Protection feature, Franczek et al (US 6397335) teaches storing information used in virus detection in a registry, and Krishnaswami (US 6618735) teaches a system file protection system.

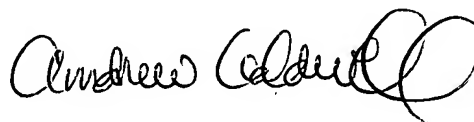
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a large, stylized loop at the end.

**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**